

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DONNA GONZALEZ,

Plaintiff

v.

Case No.: 4:13-cv-00699

CAPITAL ONE SERVICES, LLC,

Defendant

ORIGINAL COMPLAINT
AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, DONNA GONZALEZ, by and through her undersigned counsel and sues the Defendant, CAPITAL ONE SERVICES, LLC, and in support thereof states the following:

1. Plaintiff brings this action for overtime compensation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. §216(b).

2. Plaintiff is an individual residing in Hurst, Texas who worked in Defendant's location in Plano, Texas from July 6, 1998 to April 1, 2013, *inter alia*, calling customers to collect debt, handling loan documents, servicing small business loans, and working to reduce interest on loans to persons in the military.

3. Defendant is a corporation formed and existing under the laws of the State of Delaware that at all times pertinent to this Complaint was engaged in business in Texas.

4. Jurisdiction is conferred on this Court by 28 U.S.C. §1331 and 29 U.S.C. §216(b). At all times pertinent to this Complaint Defendant was engaged in interstate commerce. Additionally, Plaintiff was individually engaged in interstate commerce, doing work essential to

Defendant's business. Venue is proper in this district under 28 U.S.C. §1391 because the material facts that are the subject of this Complaint occurred in the Eastern District of Texas.

5. During one or more weeks of Plaintiff's employment with Defendant, Plaintiff worked in excess of forty (40) hours (overtime hours).

6. During one or more weeks of Plaintiff's employment with Defendant wherein Plaintiff worked overtime hours, Defendant failed to pay Plaintiff one and one-half times her regular rate of pay for each of her overtime hours worked, and failed to keep accurate records of all the overtime hours she worked.

7. The acts described in the preceding paragraphs violate the Fair Labor Standards Act, which prohibits the denial of overtime compensation for hours worked in excess of forty (40) per workweek. Defendant willfully denied Plaintiff's right to overtime compensation under the FLSA.

8. As a result of Defendant's unlawful conduct, Plaintiff is entitled to actual and compensatory damages, including the amount of unpaid overtime compensation that Defendant failed to pay Plaintiff.

9. Because of Defendant's violation of the FLSA, Plaintiff is entitled to an additional amount equal to the amount of unpaid overtime compensation as liquidated damages.

10. Plaintiff is also entitled to compensation of the out of pocket expenses and costs of court associated with bringing the present action, as well as reasonable attorney's fees pursuant to 29 U.S.C. §216(b).

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that:

1. The Court assume jurisdiction of this cause and that Defendant be cited to appear;
2. The Court hold Defendant liable and award the damages set out above to Plaintiff;

3. The Court award Plaintiff reasonable attorney's and expert fees and costs;
4. The Court award Plaintiff pre- and post-judgment interest at the highest rates allowed.

Plaintiff further prays for any such other relief as the Court may find proper, whether at law or in equity.

JURY TRIAL DEMAND

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted,

ROSS LAW GROUP, P.C.

By:

/s/ Charles L. Scalise

Charles L. Scalise

Texas Bar No. 24064621

Daniel B. Ross

Texas Bar No. 00789810

540 E. Pleasant Run Road

DeSoto TX 75115

(214) 716-4597 Telephone

(855) 867-4455 Facsimile

vijay@rosslawgroup.com

Attorneys for Plaintiff